



UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

Durham Division

Tonya M. Stanley

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Chapel Hill Carrboro City Schools

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. 1:22cv540

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Tonya M. Stanley
Street Address	Post Office Box 2131
City and County	Burlington
State and Zip Code	NC 27216
Telephone Number	336.437.3327
E-mail Address	Tonyastanley18@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	Chapel Hill Carrboro City Schools
Job or Title <i>(if known)</i>	Deon Temne, School Board Chairman
Street Address	750 South Merritt Mill Road
City and County	Chapel Hill Orange County
State and Zip Code	NC 27516
Telephone Number	919.967.8211
E-mail Address <i>(if known)</i>	dtemne@chccs.k12.nc.us

Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	East Chapel Hill High School
Street Address	500 Weaver Dairy Road
City and County	Chapel Hill Orange County
State and Zip Code	NC 27514
Telephone Number	919.969.2482

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Other federal law *(specify the federal law)*:

- ☐ Relevant state law *(specify, if known)*:

- ☐ Relevant city or county law *(specify, if known)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☒ Other acts *(specify)*: Harassment, hostile work environment, threat for loss of employment

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)
10/4/2021

C. I believe that defendant(s) *(check one)*:

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race _____
- ☐ color _____
- ☒ gender/sex _____
- ☐ religion _____
- ☐ national origin _____
- ☐ age *(year of birth)* _____ *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)* _____

E. The facts of my case are as follows. Attach additional pages if needed.

Date of incident took place on Monday October 4, 2021 at East Chapel Hill High School involving another Special Education Teacher and Teacher Assistant and myself.

Assistant Principal Illeana Herrera called me to a room, so that she could discuss how a teacher was being treated due to the legal conditions in place set by a family assigned to this Special Education Teacher. Two weeks prior to this face to face meeting, Ms. Herrera called all the Teacher Assistants to a meeting with the absence of one Teacher Assistant (Mr. Darrell Parker), to state that the parent in discussion was requesting that NO African American Males were to not work with this student, but more specifically Mr. Darrell Parker. Team became upset as to why administration would call such a meeting in support of this family. The action was discriminatory and Ms. Herrera would later pull Mr. Darrell Parker to inform him that he was being removed from the setting. (Teacher assistants present for the announcement from Ms. Herrera: Bryant Rice, Adam Watkins, K. Horiko and teachers Constance Leder and myself). I voiced my concern regarding this action and Ms. Herrera turned the discussion over to Mr. Ken Proulx. September 20, 2021 Mr. Proulx sent out an e-mail stating that he would be making changes and wanted feedback via e-mail before September 21, 2021. Mr. Proulx made a decision in writing September 22, 2021 that he would not move Mr. Darrell Parker, but that it would be Adam Watkins. The team was still not in support due to the message already delivered by Ms. Herrera in support of moving staff due to the request of the parent regarding African American males. I spoke with Ms. Herrera and asked that she not support these parents. She said she had no choice due to the legal ramifications behind this family and lawsuits.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

4/1/2022

- B. The Equal Employment Opportunity Commission *(check one)*:

- ☐ has not issued a Notice of Right to Sue letter.
☒ issued a Notice of Right to Sue letter, which I received on *(date)* 4/21/22

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

- ☐ 60 days or more have elapsed.
☐ less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

Signature of Plaintiff _____

Printed Name of Plaintiff _____

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address

State and Zip Code

Telephone Number

E-mail Address

III. Statement of Claim

E. Facts (continued)

Ms. Herrera called me into a meeting to discuss why I was not supporting this teacher and that I was not being a team player regarding this student and her family. I asked Ms. Leder to leave our meeting and began to tell Ms. Herrera that I have been the ultimate support for this department and felt insulted that I would have to be called to a meeting in such a matter.

This is not my first incident with this student and family. Several members employed with Chapel Hill Carrboro City Schools were also harasser to me for lack of being a team player in giving data to a service provider during legal proceedings. Administration was made aware of this incident and chose to turn a blind eye. I was not supported and suffered extreme work stress and harassment for an entire school term.

This summer, I was employed to work as an AC Recovery Teacher for Summer Program and that same student and family tested positive with COVID-19 and refused to inform me, administration and families until days later. Administration assigned to this summer program were Heather Hill, Illeana Herrera, Brandon Patterson and one additional Assistant Principal. Ms. Hill refused to inform parents, and supported Lead Nurse Tracey Sanders in telling staff not to get tested, and parents did not need to be tested as well. Assistant Principal Paulson was the only support for the program and demanded transparency for all. My administration never acknowledged the incident, nor checked to see if staff or myself was fine due to the COVID-19 case was in my class.

I am employed to serve, support and advocate for all students, staff and families. Administration keep allowing me to be put in unprofessional settings due to legal problems with this family. Their has been no equity for students and staff. I work with INTEGRITY and will not compromise who I am, and turn a blind eye in order to support one student and family.

I raised this matter informally, but haven't been satisfied with the outcome. I have been employed with Chapel Hill Carrboro City Schools as a Special Education Teacher. I have made several attempts to voice that I have experienced work harassments, threat of termination, equitable treatment as an employee in order to support a student and their family due to legal ties with the school district and staff assigned to my team/department have too experienced this unprofessional work conditions with administration being made aware of the situation, to only support the violations.

The incidents listed above have left me feeling harrassed, verbally abused, no equitable treatment by administration and staff connected to EC Department. I have been threatened with loss of job, not being a team player for failure to support a teacher in not being honest and determined to falsify data and support a removal of African American staff due to legal issues with this particular student and family. Administration supports and encourages these actions.

E [REDACTED]

[REDACTED]

From: **JOHNNIE BARRETT** <JOHNNIE.BARRETT@eeoc.gov>

Date: Thu, Apr 21, 2022, 2:21 PM

Subject: NRTS 433-2022-01212 Tonya M Stanley v Chapel Hill Carrboro City Schools.pdf

To: Tonya Stanley <tonyastanley18@gmail.com>

Your message of April 19, 2022 at 11:36 a.m. has been received; however, the Notice of Right to Sue was issued to you and the Respondent on April 12, 2022. I have attached a copy and there is a copy in your portal account.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Raleigh Area Office
434 Fayetteville Street, Suite 700
Raleigh, NC 27601
(984) 275-4800
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: April 12, 2022

To: Ms. Tonya M. Stanley
P.O.Box 2131
BURLINGTON, NC 27216
Charge No: 433-2022-01212

EEOC Representative and email: Johnnie Barrett
Intake Supervisor
Johnnie.barrett@eeoc.gov

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign-in to the EEOC Public Portal and upload the court complaint to charge 433-2022-01212.

On behalf of the Commission,

Johnnie M. Barrett, Intake Sup.

Glory Gervacio
Director

Cc: Erika Murphy Newkirk

Superintendent

superintendent@chccs.k12.nc.us

Chapel Hill-Carrboro City Schools

Please retain this notice for your records.